

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**No. 16-cv-1067 MCA/SMV  
14-cr-0931 MCA**

**MATTHEW J. HOLMES,**

**Defendant.**

**ORDER**

THIS MATTER is before the Court sua sponte under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [CV Doc. 1], [CR Doc. 69]. The Court will direct the United States to respond to Defendant's motion.

**IT IS HEREBY ORDERED** that the Clerk forward to the United States of America a copy of Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence and supporting papers and exhibits, if any, together with a copy of this Order.

**IT IS FURTHER ORDERED** that no later than **November 4, 2016**, the United States must respond to Defendant's § 2255 motion.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
United States Magistrate Judge